

Captaine

Audley Marvin's

SPEECH:

DELIVERED IN THE  
VPPER HOVSE TO THE  
LORDS IN PARLIAMENT,

24. May, 1641.

Concerning the Iudicature of the High  
Court of PARLIAMENT.

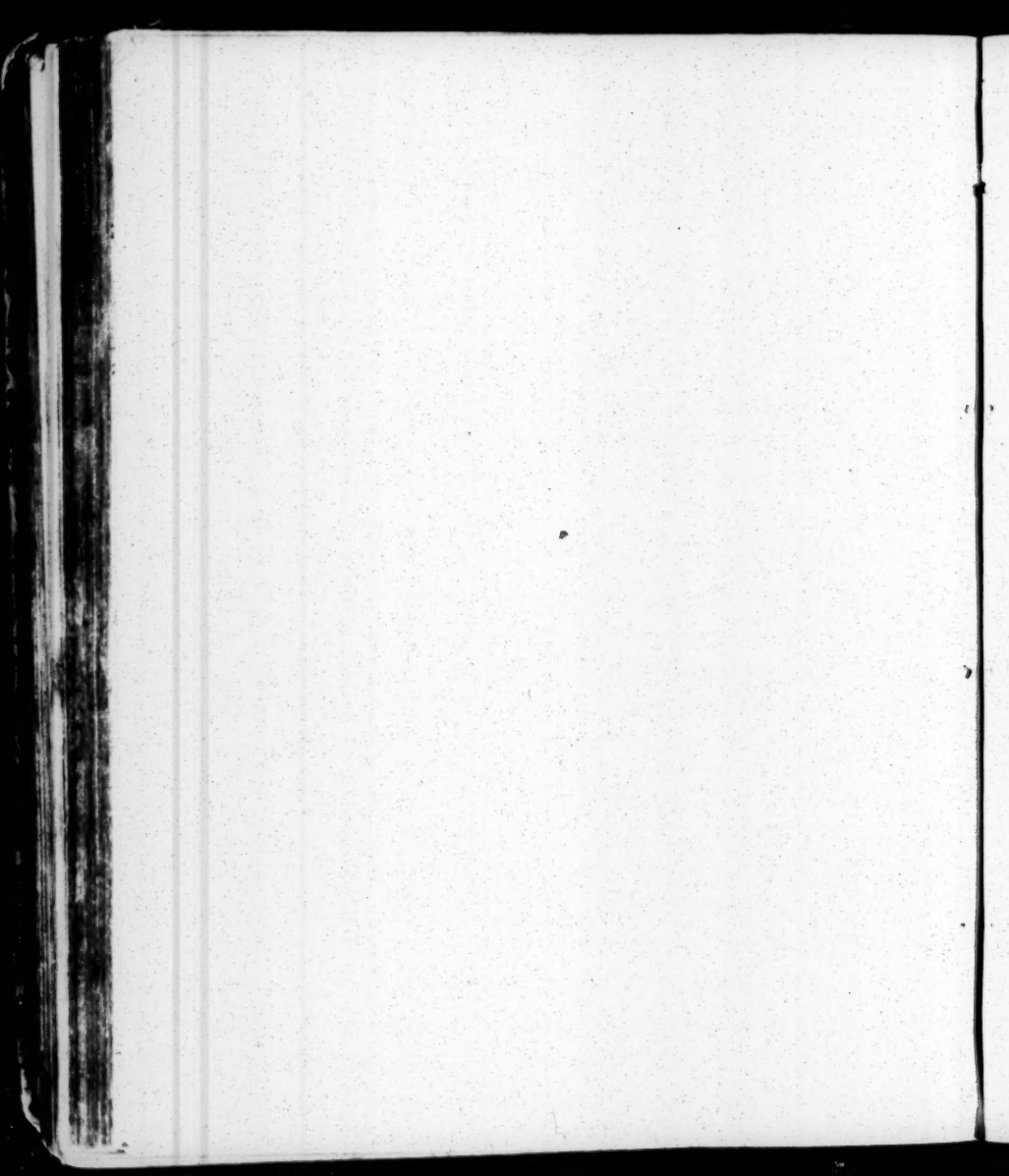
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DUBLIN.

Printed Anno Dom. 1641.





CAPTAIN E  
 AVDLEY MARVYN'S  
 SPEECH:

Delivered in the upper House to the  
 LORDS, 24. of May, 1641.

MY LORDS,



Such was the well composed Modestie  
 and Beauty of those Letters of Royall  
 Grace and Favour, which by a select  
 Committee of both Houses were treated  
 upon, that to say, *you may be pleased to remember them*, were an Injurie,  
 especially since the Arguments of  
 those severall Conferences were all sealed up with this  
 well-warranted opinion, that every word in them ought  
 to be writ in Letters of gold, ingraved in brasse, that present  
 and succeeding times might reade them with greedy  
 eyes, speaking in their own Dialect, the Embleme of a  
 most indulgent Prince, the Characters of Iustice and  
 Equitie, and the Monumentall Records of unparallel'd  
 goodnesse, triumphing in his Majesties brest, as in the  
 Spheare of their proper activitie.

The Letter concerning the validitie of our Parliament,  
 and the second concerning the Graces are twins of a Royall  
 birth, joyned in conjugall bonds by His Majestie.

Graces without a valid and effectuell Parliament to

out Graces is not to call idlers, that are piping and dancing in the Market, to work in the vineyard, but to call the labourers out of the vineyard, to pipe and dance in the Market place; or if you please almost as ill futable as a Parliament without Judicature.

These two Letters so wedded, we have lodged in one sheet, I meane, included in one instrument, which being ready to be presented in its own Dimensions, I will not now epitomize.

In the third and last Letter, demanding Presidents from the upper House of the Lords for their Judicature, His Majestie speaks Harmoniously to us, though in a different key; he is beautifull, though his brow be not so smoothly limbed in it as in the former: for certainly it is an eminent policie in a Prince, and an evident happinesse to government, not to suffer poyson to lodge in his eares, especially such a quick spreading and pestilentiall poyson, as would eate out the Basis and foundation of Parliaments, and putrifie those nerves and Ligatures, by which, His most Excellent Majestie, and We his most loyall Subjects have ever been, are, and (maugre their black and fall suggestions) shall be upostatically united.

May it please your Majestie.

*Hic niger est hunc tu, Romane Caveo.*

My Lords, I must in the name of the House of Commons intreate your patience, whilst I present unto your Lordships, a raffe-drawn Map of the Jurisdiction of this high Court of Parliament.

I shall imitate a Land-cape; first, shew it you remote, and in its primitive times, scarce discernable whether Land, or no Land; whether a Parliament, or no Parliament; then we shall saile neerer, untill we come within

been befriended in the course of our Navigation by our sailes, we shall split on our own Anchor. I meane, if in the computation of all times we have had a Parliament unquestionable in substance, in forme, in all necessary adjuncts, and now, even now, when ecclipsed Iustice, like the Sun imprisoned under a cloud breaks forth with lustre, be concluded in defect of Iudicature, I say the stars have had malignant aspects in this our horizon.

But first (my Lords) since in the strict words of the Letter, the house of the Lords seemes onely interested, we may be thought to make an inrode upon your Priviledges, and to be pragmaticall without president, though not without presumption.

Truely (my Lords) *Anima est tota in toto, & tota in quolibet parte.* Iudicature is the Soule of this great compacted body, and enjoyes that diffusive property.

The times were, when both Houses sate in one place, and had one Speaker, and since the power of Iudicature must be founded upon a preparatorie Impeachments, and this preparatorie Impeachment must be framed by the Commons house, we must justifie our selves not guilty of the title of fooles by the Wiseman, to lay a foundation and never consider by what means the structure is to be finished; nay, excuse our selves from that generall remonstrance of a generall Grievance, Extrajudiciall Proceedings.

Your Lordships are under his Majestie the Chiefe, be pleased to admit us Members, though the feet; the health of these will much advantage the preservation of the whole Compound; nay, on the contrary, the Gout is as mortall and dolorous as the Head-ach.

Besides (my Lords) our commenced proceedings against the parties impeached of high Treason, though seasoned with much moderation and temper, are of ripe age, and have been in long coats, which are now suspende-

drawne into question the Commons of this Kingdome openly proclayme, That to bee excessive vicious is to be secure, and that facts of Treason, are above the cognisance, and Punishment of the Acts of Reason, and the Lawes and Statutes of this Kingdome.

So (my Lords) it being out of dispute, (and yet desiring not to be misconstrued, that we would make stakes with you in your own and proper Iudicature) that we are deeply interested in this Particular, I shall returne unto my first Proposition, and survey this high Court of Parliament; Parliament did I say? From what *radix*? *Parler le ment*, the speech of the minde; this must be attended with judgement and reason, but I thinke, we speake with none of these, if we cannot maintaine our Iurisdiction? This is its Etymologie, which is warranted by the best Antiquarie of his time, *Vetusto nomine, è Gallia mutato Parliamentum dicitur.*

This high Court hath not beene confin'd to this individuall appellation, but hath beene christned by severall god-fathers.

*Majores nostri Anglo-saxones* intituled it. *Prudentium Conventus, Concilium, Magnus Conventus*. Succeeding Historiographers, *Commune Concilium, Curia Altissima, Generale placitum, Curia magna, Magnatum Conventus, Commune totius regni Concilium. Præsentia Regis, Prælatorum, prociunq; Collectorum.*

But certainly, if they intended these flourishing titles to a Parliament without Iudicature, they spoke of their riding to Parliament, not sitting in it.

An unhappy Parliament: like the Citie *Myndas*, whose Gates were so wide, that the City might runne out of them.

To allow these to be Synonimas of Parliament, and to disallow Iudicature, were but Jewish-like, to say, *All haule Kings of the Iewes.* and in the meane time, *Crucifie*



Neyther (my Lords) are these upstartred Titles, or new bought Coates of Armes, that this high Court blazons. No (my Lords) they are venerable for their Antiquitie, and of most ancient birth, and extraction,

*Mulmuccius*, of some called *Donwallo*, did write two Bookes of the Lawes of the *Brittons*, the one called *Status Municipalia*, the other, *Leges Iudicariae*, for so the same doe signifie in the *Brittish* tongue, wherein he wrote the same, which is as much to say, as the *Statute Law* and *Common Law*, which Bookes were written 441. yeares before the *Incarnation of Christ*, and how should there be Statute Lawes without a Parliament. King *Alfred* ordained for a perpetuall usage, That twice in the yeare, or oftner if need be, they should assemble themselves at *London*, to treat in Parliament of the Government of the people of God, how they should keepe themselves from sinne, should live in quiet, and receive right by holy Lawes and Iudgements.

In the *Heptarchy*, Parliaments had their continuance; witnesse the stile of Parliaments in the time of *Ina* King of the *West-saxons*. *Ego Ina Dei gratia, &c. Congregatione Servorum Dei sollicitus, de salute animarum vestrarum & statu regni mei, constitui rectum coniugium & iusta iudicia pro stabilitate & confirmatione populi mei benigna sedulitate celebrari, & nullo Aldermano, vel alicui de toto regimine nostro liceat conscripta abolere iudicia*, so did *Offa* King of the *Mercians*, and *Ethelbert* King of *Kent*.

In the raigne of King *Aethelstan* his Acts of Parliament are stild thus. *Hac sunt iudicia Exonia qua sapientes consilio Ethelstani Regis instituerunt, & iterum apud Frefelham, & tertio vice apud — ubi hac definita simul, & confirmata sunt*. Here I finde a Parliament summoned, *Consilio Regis*, Prorog'd in those words *Iterum, & tertio vice*, the Royall assent in the Words *Confirmata sunt*, the dissolution. *Definita sunt*.

*Rex confilio Sapientum, &c.*

King Etheldred. *Hoc est Consilium quod Etheldrus Rex & omnes Sapientes, &c.*

King Edmund calls it *Conventus Sapientum, Spiritualium & Temporalium.*

The Parliament of King Canutus at Winchester bore this Title. *Hec sunt statuta Canuti Regis, Anglorum, Danorum, Norwegiarum, venerandoejus Sapientum Consilio, ad laudem & gloriam Dei, & sui regulatam, & commune commodum habita in sanctionali Domini apud Wintoniam.*

Here we begin to make Land, and describe a visible Title to a Parliament, being in substance and forme neere-ly allyed unto the Presidents of these very times; and though some will contest this word (Parliament beares date but from the third year *Edw. 1.* yet (me thinks) those words in the fourth year of *Edw. 2.* being the immediate Successor to *Edw. the first* might convince them, *viz. Scitis quod cum dudum temporibus progenitorum nostrorum quondam regum Anglie in diversis Parliamentis suis, &c.* which words ( *Progenitorum* ) had beene improper, if that name had commenced in his fathers raigne.

In one word, time out of minde, this high Court, and its Iudicature hath flourished before the Conquest, in the Conquest ( notwithstanding that silent *leges inter arma* ) and ever since the Conquest untill this present houre.

Me thinks, I appeare in your Lordships eyes as one drawing his Sword, traversing his ground, lying upon his guard, there being neyther offence, nor opposition to draw him into this distemper. Your Lordships may say, What neede you waken so many sleepy Records to prove Parliaments have beene & who is it of so desperate an opinion, that offers it in question?

Truly (my Lords) I cannot name Him, or Them; but whosoever they were that instill'd this jealousie of Lu-



*Aristotle* bids us not to dispute, *num nix sit alba*, and the like visible and apparant truths, but if any Man of an obdurate judgement would have denied that there was *Anima Rationalis*, then *Aristotle* must prove there is *Homo* and *Anima Rationalis* will bee drawne in by consequence. Prove *Homo*, prove a *Parliament*, and *Anima Rationalis*, which is *Judicature*, will be drawne in by consequence: besides I am protected by the Verse.

*Judicis officium est ut res, ita tempora rerum  
3. Quere.*

Next I must offer unto your Lordships that which the Law hath atender respect unto, even the ends of Parliament

*Exitus acta probat*

These I finde thus to be capitulated by Sir Edward Cooke, *Primo*, *ad subditos a delinquendo declinandos*, hoc est, *ut delicta tam bonis causisq; legibus, tam debita earundem executione anticiparentur*; now, if *debita executio legum* can be in Parliament inflicted upon *delinquentes subditos*, without legall proceedings and tryall, (except they will say nothing, and so be prest to death) I leave it to be argued amongst children.

2. *Ut vita tranquillaq; sit vita hominum*, but certainly the life of man is not preserved by the impunity of offenders, which must passe, *sublata judicatura*.

3. *Ut fixis quibusdam sanctionibus, sanctisq; judicijs jus uniusq; feret*; but whether *jus* implyes not punishing malefactors, aswell as relieving the oppressed, (*Cruelitas parcens*, being more destructive to the Common-weale, then *Cruelitas puniens*) I leave it to be argued among children.

*Fleta* sayth a Parliament is called, *Terminare dubitationes, judiciorum, novis injurijs emerfis, nova constituere remedia, unicuiq; prout meruerit justitiam retribuere*. Trea-

apply this remedie. Then our Parliament must have a short cut in triall. We must condemne without hearing of any part, for why should they heare, if they have no power to determine.

Having thus farre analized a Parliament, we must consider its Parentage, and then prove our claime to Iudicature by the title of *Cohere* with the Parliament in *England*, which his Majesties Progenitors have ever graciously confirmed unto us.

A *Parliament* then is a structure founded upon the common Lawes of *England*, as is manifest in its proceedings upon many trials according to the courte of the Common-Lawes. It is the heire apparant to the Common-Law, and parent of the Statute Law. To make this position passe for touch, I will give you the Test of that ancient and learned Author of the booke intituled, *Mirror de les Iustices*, in his owne words. *Hoc cum sit forum in hoc regno plane supremum, pars est structura jurium municipalium, & nonnunquam secundum frequentem illum, & usitatum in lege communi ordinem processus habet.*

My Lords; since with your L<sup>ds</sup>. patience we are arrived unto this undeniable truth, I will now open our title to the Common Lawes of *England*, to the Statute Lawes of *England* before 10. H. 7. to the lawfull customes of *England*, to the Courts of Iustice in *England*, to the Writts Originall and Iudiciall of *England*, and to the Presidents of *England*, even from the high Court of Parliament, unto the petty Constables office.

1. The first knowledge the printed Statute give us of *Magna Charta*, is in c. H. 3. yet we finde it introlled in the red book of the Exchequer. 3. King *John*.

King *John* in the 12. yeare of his raigne went into *Ireland* and there attended with the adwise of grave, and learned men in the Lawes (whom he carryed with him) de

land should be governed by the Lawes of England.

I find in *Rotulo Patentum* 11. H. 3. thus written. *Rex, &c. Baronibus militibus, & omnibus libere tenentibus salutem. Satis ut credimus vestra auditis discretio, quod quando bona memoria Iohannes quondam Rex Anglia pater noster venit in Hiberniam, ipse duxit secum viros discretos, & legisperitos quorum communi consilio, & ad instantiam Hibernensium statuit & praecepit leges Anglicanas in Hibernia ita quod leges easdem in scripturas redactas reliquit sub sigillo suo ad Scaccarium Dublin.*

Shall I repeate the very words recorded, *Rot. Patent. 18. H. 3. Rex, &c. Comitibus, Baronibus, militibus, & liberis hominibus, & omnibus alijs de terra Hyberniae salutem. Quia manifeste esse dinoscitur contra coronam & dignitatem nostram, & consuetudines & leges regni nostri Anglia quidam bona memoria Dominus Iohannes Rex, Pater noster, de communi omnium de Hybernia consensu tenere statuit in terra illa, quod placita teneantur de curia Christianitatis, de advocacionibus Ecclesiarum, & Capellarum, vel de Laico fado, vel de Catallis quae non sunt testamento, vel matrimonio. Vobis mandamus prohibentes quatenus huiusmodi placita in Curia Christianitatis nulla tenus sequi praesonatis in manifestum dignitatis, & Coronae nostrae praepudicium. Scituri pro certo quod si feceritis, dedimus in mandatis Iudiciario nostro Hiberniae, Statuta Curiae nostrae in Anglia contra transgressiones huius mandati nostri cum iustitia procedat, & quod nostrum est exequatur. Teste Rege apud Winchomb. 28. Octob. an. regni 18.*

My Lords, I have read this Roll at large, because I perceive a holy indignation in this Prince, that the officers of this Kingdome would hold Pleas not sutable in every respect unto the Lawes, and Customes of England, adjudging the practice to be in manifestum dignitatis & coronae nostrae praepudicium. Then observe the warning piece, *Vobis mandamus prohibentes, &c.* then the punishment, *Scituri pro certo &c.* But the Iudges in those dayes were not so acute

in case they had incurred it. Yet the Sophisters of Law in this Kingdome may finde that King not unprovided with his answer; for the words are *Dedimus in man latas, &c. Statuta Curie nostre in Anglia contra transgressiones, &c.* So that then the Statutes and Rules of the Courts in *England*, may be Presidents both for triall and punishment.

*Rot. Pat. 30. H. 3. Rex. &c. pro communi utilitate terre Hybernia & pro unitate terrarum, proxiſam est quod omnes leges & consuetudines que in regno Anglie teneantur, in Hybernia teneantur, & eadem terra eisdem legibus subiacet ac per eisdem regatur sicut sub nos Rex cum illic esset, statuit, & sumiter mandavit. Ideo volumus quod omnia brevia de communi iure, que currunt in Anglia similiter currant in Hybernia sub vero sigillo Regis:* Here are the old Lawes and Writs, differing in nothing but in a new Seale; which I wonder none of our witty Informers take advantage to make it an essentiall difference.

*13. H. 1. Coram rege in longo placito, I reade una & eadem esse debet. Lex tam in regno Anglia, quam Hybernie.*

My Lords, I will adde but this Quotation (which I hapned upon this morning) *2. Rich. 3. fol. 12. in Camera stellata. Terra Hybernia inter se habet Parliamentum, & omnimodis Curias prout in Anglia & per eisdem Parliamentum facit leges, & mutat leges, & illi de eadem terra non obligantur per Statuta in Anglia, quia hi non habent milites Parliamenti.* Here is a Graunt of Parliament past unto us of this Kingdome with all his appurtenances, rites, and members, as they were formerly, or now held by the Subjects of *England* from or by his Majestie.

Pray (my Lords) why are these cleere records preserved to posteritie to baile, or to confirme doubts?

That then their Parliaments are the very starres by which we must saile by; their Presidents, the meridian sun we must observe to find the Latitude of our proceedings, the last rehearsed rolls proclaiming

vouredly this name becomes it, if one Iustice of Assize may heare, and determine capitall offences, and this *al-tissima Curia*, not have power of a grand Iury to him to finde *Billā vera*.

Yet aske this Iustice of Assize by what president in this Kingdome he adventures upon this service. Aske of the Iustice of peace, by what Presidents he takes notice of Trespassments, Indictments, awards the *alias*, the *plures Capias*, and his Presidents must take shipping out of *England*.

Inquire of the Court of Chancery for its presidents of Equitie, for the Presidents of Writs and judgements. Inquire of the Kings Bench for a President in *Ireland*, for a Wager of battaile in an appeale. Inquire of the Courts of Common-pleas for their Presidents in any of their rules of Court; Nay inquire of the pettie-Constable by what President in *Ireland* he executes his office, nay, for the carrying of his painted staffe, and they will returne but starved and hungry arguments, except they ship their Presidents out of *England*.

But admit (my Lords) we had no interest in the Presidents of *England*, were it not *durus sermo*, that the long and well settled rites of Parliament should fall to the ground for want of a President, which undoubtedly hath power in it selfe to make a President not repugnant to Law.

Who knowes not but in the former darke and Tragical times, that all, or the most part of the Roles, and Records of this Kingdome were kept in *Breminghams* Tower, and that the end of them was the Antitype of the end of the world, even a dissolution by fire; some layd in horse loades in every corner of the streetes for dung-hill-rakers to pick antiquities up, & Taylorsto make measures of.

This Epidemicall consumption of our Records was a  
 Full and Consummation in this Kingdome in 1536, 1537

want of them (though no fault in us then unborne) should permit Treasons, Rapines, Murthers, Disturbers of the King, Kingdome, and Common-weale, not onely passe with impunity, but be established in the greatest places of Iudicature, as if Treason were the square of the Law, and Allegiance become Treason.

Praised be Almighty God, this Kingdome is not so barren of the Professors of the Law, but I see those persons in my eyes, that can with more respect unto the dignitie of His Majesties Crowne, with more regard unto his Majesties most Sacred and inviolable Oath, with more content to the whole Kingdome, personate the King, amiable to his people in the dispensation of Justice in the High Offices of the Iudges impeached.

Yet (my Lords) notwithstanding the Bonfires of our Rolles, I will offer one President or two, by which the ancient Iudicature of the Parliament in this Kingdome will appeare in triumphant colours.

In a Parliament held in this Kingdome in *Hen. 5.* time *Richard O Heydan* Bishop of *Cashell* was impeached in 30. Articles by *John Gese* Bishop of *Waterford*, 3. Articles were for counterfeiting the Kings Seale, for counterfeiting the Kings Letters Patent, for endeavouring to make himself King of *Munster*, so that the Parliaments in this Kingdome have not been confined to triall of petty Larcenies, and most properly should punish with the sword, committing the rod to every pedantick Schoolemaster.

In another Parliament held in this Kingdome in the *Edw. 2.* Sir *Arnold Poore* was tried for killing the Lord *Boneville*, and by sentence of that High Court was acquitted, it being found it was done in his own defence.

My Lords, the Treasons in this Kingdome formerly practised have been by hostile invasion for the most part, and were struck dead by the plaine Letter of the Law; the



Parliaments were but rare and Infant-like, and frightened with the clashing of Armes from one place to another, and untill King *JAMES* of blessed memory fate at the Steerage of our weather-beaten Arke, our Dove never brought in her Olive-branch, so that there could hardly be time allowed for a solemne tryall, if the occasion had beene offered.

The manner of those Treasons resemble the forcible taking of a mans purse upon the high-way : these Treasons that wee shall have to sift, are more like cut-pursing, they smile in our faces, whilst their hands dive into our pockets : the event is one, The losse of our Money, and though they be taken napping, they will sweare they meant us no harme.

— *Latet Anguis in herba.*

The first man that ever suffered for Treason, if want of a President would excuse him, might have begot Traytors to the third and fourth generation with impunitie. My house hath taken fire, I call for water to quench it, I would suppose him mad, that would advise me to let it burne to the ground, because my neighbour would not quench his ; and therefore I want a President.

We will impute it unto the integritie of those times that have not fostred such unbounded spirits to attempt such crimes, as might leave Presidents of this Nature.

It is (my Lords) Iustice that those who will renew Presidents of long buried crimes, should renew or create Presidents of deserved tryall, and punishment.

My Lords, I have mustered some few Arguments in vindication of the Iudicature of the Parliament in this Kingdome, they are valid enough for the intricacie of the question : Where tacks will serve, what needs ten-penny payles. A good face wants no band. A valid Parliament wants no assertions for its Iurisdiction, and such is this

declaring the effectuall validitie thereof in an Emphaticall sense.

There is nothing now left (my Lords) but that as I have spent some time in learning a Parliament with Iudicature, since *Contraria, contrariis opposita magis elucescunt*, we may cast a smiling eye upon that pretty silken bug-bear of State, a Parliament without Iudicature.

*Curia altissima*, must be *Curia infima*; *Curia magna* must be *Curia minima*. It will resemble a sword with guilt hilt, and a blade made of a larch. Whereas then all Courts were derived from it, now all Courts may insult upon it.

My Lords, I leave to your Lordships consideration the cloth of State, (which no man ought to name without reverence) whether it will not esteeme it selfe in a deplorable, and widdowed estate for the death of her onely consort, *INDICATURE*. Like the single Turtle it mournes, whilst the Cushions of the Toulcfele prick up their eares.

My Lords, methinks, the Lyons roare, the strings of the harps break and found in discord, the Flower deluces wither, go be stretch'd out, in a place *sans* Iudicature. None sits under that Pavillion that beares the Sword in vaine. The high priz'd tincture of your Lordships robes begins to fade, the Ermins loose their complexion, if they loose their Iudicature.

That wel-becoming title to a Nation, *PEERAGE*, begins to hang down its head, and blush, and curses the influences in its nativitie, if it should come to such an untimely end.

Your Speaker may study silence, and report that to himselfe which he never read, nor heard of. *A Parliament without INDICATURE*.

The Right reverend Bishops may retire in to the Convocation house, the common Iudicature.

Judicature, that happen to be discuss'd before this Tribunal (though most venerable in their own Spheare) sit like so many Plovers prick'd down for Stales, with this Motto, *Videntur, & non sunt.*

We of the House of Commons, that were hitherto stiled *Prudentiam Convenius*, may Impeach with little wit, and you remedy us with as little power, imitating *Baals* priests, cut and lance our selves, contribute our Estates, our Studies, our lives for his Majesties ever prayed for happinellē, *Call and Call* to their gods that could not helpe them, *Impeach and Impeach*, and demand Iustice from our titular Lords, that can neither helpe themselves nor us.

My Lords, the Common Law speaks our Parliament and its Iudicature, the Statute Lawes confirme it. Presidents strengthen it. Reason, even undeniable reason fortifies it, what Magick is there then, That the case is thus altered.

If it lyes in the degrees of the persons impeacht, heare then the Statute of *Marlebridge*, 52. H. 3. *Provisum est concordatum & concessum, quod tam majores, quam minores justitiam habeant, & recipiant in Curia Domini Regis.*

Yet their offices may offer some things in consideration. My Lords, the late Lord Keeper in *England* will not come in to dispute this point afore the Parliament, and Sir *Robert Belknap*, one of the Iudges of the Common Pleas, was put to banishment by the Parliament for subscribing an opinion against Law, though forc'd by a dagger held to his brest; and the rest of the Iudges that subscribed the same were put to death. A reason I forgot that we may be excus'd for want of Presidents, if there be any surviving. The parties impeach'd have taken a course for that, and by an order of the Chancery had them in their owne custody, since their Impeachment, since the Master of the Rolls death unto this present houre. Poore *David*, poore House of Commons, must encounter *Goliath*, nay *Goliath*,

*Sauls* Armor, the Kings evidences, nay *David's* poorling; this I humbly present to your Lordships consideration. My Lords, *England* will not envy that we plead an equall interest in their Laws, but rejoyce to support us, especially in parliamentary proceedings, his Majestie will conceive the vanity of those, that taking advantage of his princely mind, involv'd in multiplicity of weighty affaires would raise such dangerous doubts. Observe but one word in the *Rotul. Pat. 30. H. 3. Rex, &c. pro communi utilitate terra Hybernia & pro unitate terrarum prosum est quod omnes leges, & consuetudines.* You see the confirming and enacting of the Lawes and Customes of *England* to be of force in *Ireland*, was, *pro utilitate terra Hybernia, & pro unitate terrarum*, the Union of Lawes being the best unitie of Kingdomes. Those then that would tread under feet the wisdomes of those times so fortunately commenced, and continued, may be judged as the Interdaries of Nations, and the plagiaries of Government. My Lords, out of what I have said, this infallible Maxim may be drawn of the High Court of Parliament. *Si vetustatem species est antiquissima, si dignitatem est honoratissima, si iurisdictionem est capacissima.*

In the last place, I present unto your Lordships these three instruments, being thrice severally read, maturely debated, and solemnly voted in our House, to receive their perfection, and maturitie by such proceedings in this most honourable House, as shall be futable to your approved Iudgements.

FINIS.

# ARTICLES OF ACCUSATION,

EXHIBITED

By the Commons House of Parlia-  
ment now assembled,

AGAINST

St. John Bramston Knight, } *Justices of his Ma-*  
St. Robert Berkley Knight, } *jesties Bench.*

St. Francis Crawley Knight, *one of the Justices of*  
*the Common-pleas.*

St. Humphrey Davenport Knight, } *Barons of his*  
St. Richard Weston Knight, and } *Majesties Ex-*  
St. Thomas Trevor Knight, } *Schequer.*

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2 CHRON. 19. 6, 7.

Jehosaphat said to the Judges, Take heed what ye doe: for y  
judge not for man, but for the Lord; wherefore let the reas  
of the Lord be upon you; for there is no iniquity with the  
Lord our God, nor taking of gifts.

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Printed in the yeare, 1641.